

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing supplemental amendment and the following remarks.

Claims 2, 4, 5, 7, 10, 11, 19 and 20 are presently pending in this application. By this amendment, and in response to the rejection of claim 19 under 35 U.S.C. § 112 (2nd), Applicants amend claim 19 only to change the dependency of the claim. For the reasons stated below, Applicants respectfully request reconsideration of the pending claims, and submit that all claims pending in this application overcome the cited prior art and are in condition for allowance.

Independent claim 20 is directed to a method for processing reports of malfunctions. As recited in the claim, information is received that identifies a cause of a malfunction underlying a report of a malfunction sent from a vicinity of a first subscriber location. Upon determining that a cause underlying another report of a malfunction that is received from a different location than the vicinity of the first subscriber location is the same cause, the entity that is responsible for the cause is identified and is billed for costs incurred for servicing at least the first subscriber. Therefore, the entity that caused the malfunction is billed for the costs associated with servicing the first subscriber in response to the malfunction, even though the cause of the malfunction was determined based upon another report of the malfunction at a different location. This enables a service provider to recoup revenue that otherwise would be lost when dispatching technicians to locations other than the location where the malfunction is actually caused.

While the Kidder patent discloses an automated workflow in a network management, as acknowledged by the Examiner, the reference provides no discussion of any method for

generating billing invoices. Kidder therefore is not instructive as to a method for generating invoices in a manner that attributes the costs for servicing subscribers at locations other than the location where the cause of the malfunction occurs. Moreover, the Office Action does not cite to any other reference that relates to a method for generating invoices. Instead, the Office Action takes Official Notice that it is known to generate bills to parties that are responsible for damage, and concludes that it would have been obvious to modify Kidder "to include a billing division."

The Office Action provides that:

It is old and well known for insurance companies to investigate accidents (malfunctions), to determine who the responsible party is and to bill that responsible party for the work done to correct the damage.

This rejection is insufficient to establish a prima facie case of obviousness.

As a first matter, the Kidder patent and the art that is "old and well known for insurance companies," taken either singly or in combination, fail to teach or suggest steps for generating a bill in the manner recited in claim 20. There is no teaching of this to be found in the Kidder patent. The business practices of insurance companies are not relevant either, because insurance companies do not generate a bill to an entity that "includes costs incurred for servicing at least the first subscriber" who caused a technician to be dispatched to a first subscriber location, when the cause of the malfunction occurred at a different location. At the least, the Examiner did not take Official Notice of any such activities by "insurance companies." Therefore, Applicants submit that this rejection is improper because the combination of references, even if taken together, fails to teach or suggest the claimed invention.

Secondly, the Office Action fails to allege a proper motivation to combine the Kidder patent with the business activities of "insurance companies," or with any other such art that is of Official Notice from the Examiner. Kidder provides no discussion of billing at all. The "insurance companies" art does not dispatch technicians in response to malfunctions. There is no suggestion in either art to combine one with the other, and thus there is no such motivation to combine these disparate teachings.

Accordingly, Applicants respectfully submit that the obviousness rejection is improper and should be withdrawn.

In view of the foregoing, all of the claims in this application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.


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Respectfully submitted,

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